

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH STEELE,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 07-144 Erie
	)	
SUPERINTENDENT PAUL	)	
STOWITZKY, et al.,	)	
	)	
Respondents.	)	

**ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on June 6, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 11, 2009 [18], recommends that the petition for writ of habeas corpus be dismissed as moot and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Mercer, where he is incarcerated, and on Respondents. Objections were filed by Petitioner on June 22, 2009 [19]. Respondents filed their reply to the Petitioner's objections on July 14, 2009 [20]. After de novo review of the petition and documents in the case, together with the Report and Recommendation, Petitioner's objections and Respondents' reply thereto, the following order is entered:

AND NOW, this 17<sup>th</sup> day of August, 2009;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED as moot and no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter, dated June 11, 2009 [18], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
SEAN J. McLAUGHLIN  
United States District Court Judge

cm: All parties of record  
U.S. Magistrate Judge Susan Paradise Baxter